



Entered on Docket
June 07, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

) Case No. BK-S-06-10725-LBR
) Case No. BK-S-06-10726-LBR
) Case No. BK-S-06-10727-LBR
) Case No. BK-S-06-10728-LBR
) Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

**ORDER SUSTAINING FIFTH OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS**

The USACM Liquidating Trust (the "USACM Trust") filed its Fifth Omnibus Objection to Claims Asserting Secured Status [DE 3141] (the "Objection") on March 20, 2007. Appropriate notice of the Objection was given. Responses to the Objection were filed by the following party:

Celso Acosta filed three Oppositions[DE 3415, 3416, 3417] in response to the Objection to Proofs of Claim Nos. 10725-00609, 10725-00610, and 10725-00611. A Motion for Summary Judgment will be filed in regard to these responses.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Fifth Omnibus Objection to Claims Asserting Secured Status listed on Exhibit A attached;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

###

PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☒ approved the form of this order;
- ☐ waived the right to review the order;
- ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order:
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing (none required).

APPROVED/DISAPPROVED


Celso Acosta

5/31/07

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

5th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Carlton Jt Ten, Michael W & Helen I 416 N 10Th St Biythe, CA 92225-1835	10725-01991	1/10/2007	\$7,397.51	S
2	Carlton, Daniel & Zora N 390 Corvair Dr Lake Havasu City, AZ 86406-7074	10725-00487	10/6/2006	\$3,672.54	S
3	Carlton, Daniel 390 Corvair Dr Lake Havasu City, Az 86406	10725-01990	1/10/2007	\$3,698.75	S
4	Carlton, Daniel 4697 Hooktree Rd Twentynine Palms, CA 92277	10725-01983	1/10/2007	\$17,260.85	S
5	Carlton, Daniel 4697 Hooktree Rd Twentynine Palms, CA 92277	10725-01985	1/10/2007	\$75,000.00	S
6	Carlton, Daniel 4697 Hooktree Rd Twentynine Palms, CA 92277	10725-01987	1/10/2007	\$55,000.00	S
7	Carlton, Daniel 4697 Hooktree Rd Twentynine Palms, CA 92277	10725-01988	1/10/2007	\$55,000.00	S
8	Carlton, Daniel 4697 Hooktree Rd Twentynine Palms, CA 92277	10725-01989	1/10/2007	\$50,000.00	S
9	Carlton, Michael W & Helen I 416 N 10Th St Blythe, CA 92225-1835	10728-00067	10/10/2006	Blank	S
10	Carol A Eller IRA First Saving Bank C/F PO Box 1614 Mammoth Lakes, CA 93546	10725-02078	1/11/2007	\$17,170.00	S, U
11	Carol Edward Associates Po Box 8543 Incline Village, Nv 89452-8543	10725-00482	10/6/2006	Blank	S
12	Carol Mortensen Family Trust 4847 Damon Cir Salt Lake City, Ut 84117	10725-02051	1/11/2007	\$172,875.49	S,U

13	Carol Mortensen Family Trust C/O Carol Mortensen Trustee 4847 Damon Cir Salt Lake City, UT 84117-5854	10725-02052	1/11/2007	\$28,932.58	S, U
14	Caroline Gerwin Family Trust Dtd 11/2/95 C/O Caroline M Gerwin Trustee 4775 Summit Ridge Dr Apt 1101 Reno, NV 89523-7917	10725-00389	10/2/2006	\$330,000.00	S
15	Carollo Jt Ten, Robert Beverly Carollo Morse & Mowbray 300 South Fourth St, Ste 1400 Las Vegas, NV 89101	10725-00098	8/15/2006	\$100,000.00	S
16	Carpenter, Michael R & Anne M 687 W Ella Dr Corrales, NM 87048-7248	10725-01090	11/7/2006	\$126,121.77	S
17	Carrier Family Trust Dated 8/9/91 Don F & Sara L Carrier Ttees 3175 Greensburg Cir Reno, NV 89509	10725-00127	8/11/2006	\$50,000.00	S U - Unknown amount
18	Carrier Family Trust Dtd 8/9/91 Don F & Sara L Carrier Ttees 3175 Greensburg Cir Reno, NV 89509	10725-00207	8/15/2006	\$50,000.00	S U - Unknown amount
19	Carrier Ttee Of The Carrier Family Trust, Don F & Sara L 3175 Greensburg Cir Reno, NV 89509	10725-00205	8/11/2006	\$50,000.00	S U - Unknown
20	Carson, Douglas Hc 34 Box 34153 Ely, NV 89301	10725-01095	11/7/2006	\$100,000.00	S
21	Carson, Linda Po Box 8927 Aspen, CO 81612	10725-00461	10/5/2006	\$100,000.00	S
22	Carter Family Trust Jerry W & Nancy L Carter Ttees 4543 Northwind Ct Sparks, NV 89436-4657	10725-01094	11/8/2006	\$75,000.00	S
23	Carter Trustee, William Daniel 8710 54Th Ave East Bradenton, FL 34211	10725-01104	11/7/2006	\$107,998.21	S

24	Casebolt Ttee Of The Casebolt Revocable Tr, Josephine 201 Ada Ave Apt 46 Mountain View, CA 94043-4943	10725-02146	1/11/2007	\$126,094.38	S, U
25	Casey, Richard Sterling Trust Company Custodian Fbo Po Box 2526 Waco, TX 76702-2526	10725-01473	11/15/2006	\$50,000.00	S
26	Castillo, Tito 13390 Parkside Ter Cooper City, FL 33330	10725-01555	12/6/2006	\$423,845.13	S P U -unknown
27	Catherine B. Stretmater Revocable Trust Dated 6/5/89 C/O Catherine B. Stretmate, Trustee 12000 N. 90Th St., Unit 2006 Scottsdale, AZ 85260-8631	10725-00619	10/17/2006	\$100,000.00	S
28	Celso Acosta 9061 Black Elk Ave. Las Vegas, NV 89143-1180	10725-00609	10/16/2006	\$51,661.05	S Motion for Summary Judgment to be filed
29	Celso Acosta 9061 Black Elk Ave. Las Vegas, NV 89143-1180	10725-00610	10/16/2006	\$26,554.58	S Motion for Summary Judgment to be filed
30	Celso Acosta 9061 Black Elk Ave. Las Vegas, NV 89143-1180	10725-00611	10/16/2006	\$52,906.93	S Motion for Summary Judgment to be filed
31	Center State Beverage Inc Po Box 877 Templeton, CA 93465-0877	10728-00079	10/23/2006	\$80,000.00	S
32	Cesari Piazza Ira First Savings Bank, Custodian 1401 Monterey Drive Boulder City, NV 89005	10725-00659	10/23/2006	\$138,000.58	S
33	Chai 18 Trust The C/O Sam & Simha Barashy Ttees 7447 Tamarid Ave Las Vegas, NV 89147-4380	10725-00980	11/3/2006	\$101,041.67	S
34	Chai Miller Llc Po Box 81191 Las Vegas, NV 89180-1191	10725-00984	11/8/2006	\$78,000.00	S
35	Chai Miller Llc Po Box 81191 Las Vegas, NV 89180-1191	10725-00985	11/3/2006	\$357,291.66	S

36	Chai Miller Llc Po Box 81191 Las Vegas, NV 89180-1191	10725-00986	11/3/2006	\$558,063.48	S
37	Chai Miller Llc Po Box 81191 Las Vegas, NV 89180-1191	10725-00987	11/3/2006	\$459,407.54	S
38	Chai Miller Llc Po Box 81191 Las Vegas, NV 89180-1191	10725-00989	11/3/2006	\$559,927.00	S
39	Charles & Sandra Masters Family Trust Dtd 10/9/92 C/O Sandra O Masters Trustee 18124 Wedge Pkwy #550 Reno, NV 89511-8134	10725-00227	9/25/2006	\$425,000.00	S
40	Charles B Dunn Iv Trust C/O Charles B Dunn Iv Trustee 17042 Norlene Way Grass Valley, CA 95949-7161	10725-02113	1/11/2007	\$345,498.04	S, U
41	Charles Bombard Trust C/O Charles Bombard Ttee 1076 Mullen Ave Las Vegas, NV 89044-9544	10725-00769	10/27/2006	\$100,000.00	S
42	Charles Duke & April M Cummins David A Colvin Esq Marquis & Aurbach 10001 Park Run Dr Las Vegas, NV 89145	10725-00782	11/9/2006	\$100,000.00	S
43	Charles R & Jean Maraden Family Trust Dtd 12/16/03 Charles & Jean Mareden Ttees 12585 Creek Crest Dr Reno, NV 89511	10725-02060	1/11/2007	\$101,311.23	S, U
44	Charles Robert & Geneva Cowman Jt Revocable Inter Vivos Trust Robert Alan & Terry Lee Cowman 1525 Winterwood Ave Sparks, Nv 89434-6730	10725-01724	12/11/2006	\$13,451.36	S
45	Chavez, Roland 5 Falkner Dr Ladera Ranch, CA 92694-0924	10725-01195	11/10/2006	\$50,000.00	S
46	Chavez, Roland 5 Falkner Dr Ladera Ranch, CA 92694-0924	10725-02432	1/12/2007	\$50,000.00	S

47	Chegwin 1989 Revocable Trust Dtd 4/18/89 C/O Dennis M & Vicki L Chegwin Ttees 78530 Arapahoe Indian Wells, CA 92210-9151	10725-01907	1/9/2007	\$52,500.00	S, U
48	Chelew, Paul 2855 Telegraph Ave Ste 601 Berkeley, CA 94705	10725-01225	11/10/2006	\$120,000.00	S
49	Chiappe Family Trust Dtd 1/22/96 Elio A & Geraldine N Chiappe Ttees Po Box 7288 Carmel, CA 93921-7288	10725-01443	11/14/2006	\$50,000.00	S
50	Chiappe Family Trust Dtd 1/22/96 Elio A & Geraldine N Chiappe Ttees Po Box 7288 Carmel, CA 93921-7288	10725-01444	11/14/2006	\$100,000.00	S